

REMARKS

This response is submitted in response to the Final Office Action mailed March 10, 2006, to request reconsideration of the rejection of claims 1-25 as set forth therein.

In the Official Action, the Examiner rejects claims 1-25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,663,560 to MacAulay et al., (hereinafter "MacAulay") in view of U.S. Patent Application Publication No. 2002/0024015 to Hoffmann et al., (hereinafter "Hoffmann").

In response, independent claim 1 has been amended to clarify its distinguishing features. Specifically, claim 1 has been amended to recite that the first light modulation member is disposed with regard to the at least one lens such that the linear light is incident on the first light modulation member; that the at least one scanning member is for scanning in a vertical direction of the linear light; and that the at least one lens focuses the light to which the shade has been imparted to the sample body.

The amendments to claim 1 are fully supported throughout the original disclosure, including the Figures. Thus, no new matter has been introduced into the disclosure by way of the amendment to claim 1.

With regard to the light modulation member, neither MacAulay nor Hoffman disclose or suggest linear light entering into an optical modulation member.

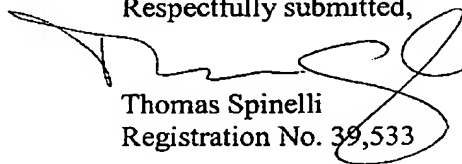
With regard to the at least one scanning member, MacAulay and Hoffman only teach an XY scan and neither discloses or suggests scanning in a vertical direction of the linear light.

With regard to the rejection of claims 1- 25 under 35 U.S.C. § 103(a), independent claim 1 is not rendered obvious by the cited references because neither the

MacAulay patent, nor the Hoffmann patent, whether taken alone or in combination, teach or suggest a scanning optical microscope having the features discussed above. Accordingly, claim 1 patentably distinguishes over the prior art and is allowable. Claims 2-25, being dependent upon claim 1, are thus at least allowable therewith.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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